

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 11848 of 2005

Between:

A.Subbarao, S/o Bhadradri,
R/o Pedapadu (V), Pedapadu (M), West Godavari District.

..... PETITIONER

AND

- 1 Assistant Commissioner of Endowments, Eluru, West Godavari District.
- 2 Executive Authority, Sri Venugopalaswamy Temple, Pedapadu Village and Mandal, west Godavari District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in notifying auction of the leasehold rights in respect of land of Ac.2.24 cents in Sy.No.444 and 451 of Pedapadu Village and Mandal during subsistence of petitioner's lease and without deciding his claim for landless poor status as contemplated u/s.82 of AP Charitable and Hindu Religious Institutions and Endowments Act and AP Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules 2003 is illegal, irregular, and violative of the said Act and the Rules, and also violative of Art.14 and 21 of the Constitution of India and consequently direct the respondents to continue the petitioner in the possession of the said land until his claim for landless poor person is decided following due process of law under the said rules and pass such other order or orders as this Hon'ble Court may fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondent No.2: SMT.N.INDRANI

Counsel for the Respondent No.1: Government Pleader for Endowments.

The Court made the following :

ORDER:

The petitioner claims to be a landless poor person, who has been in possession of an extent of Acs. 2-24 cents of agricultural lands on leasehold rights in Sy.Nos.444 and 451 of Pedapadu Revenue Village, belonging to Sri Venugopalaswamy Devasthanam, Pedapadu village and mandal, West Godavari District, since 1972. On 14-6-2002, after a process of negotiation, the lands were leased afresh to the petitioner for a period of three years. According to the petitioner, the current period of lease would come to an end by 30-6-2005. While so, the petitioner asserts, the respondents have proclaimed in the village in the last week of May, 2005 that the leasehold rights of the lands would be auctioned on 6-6-2005. Thereupon, claims the petitioner, he approached the respondents, and orally requested them not to conduct the auction of leasehold rights as he is continuing as a tenant and is in possession and enjoyment of the land. He prays for declaration as a landless poor person and for extension of the benefits under Section 82 of the A.P. Charitable and Hindu Religious Endowments Act, 1987, and the relevant Rules thereunder.

The oral representation of the petitioner, not having been responded to, and apprehending that the respondents would proceed with the auction of the leasehold rights of the lands leased out to him, resulting in his dispossession at a future point of time, the petitioner has filed this Writ Petition. Admittedly, no written representation was made by the petitioner to the respondents. The respondents exercised statutory powers under the Act and Rules and it would not be proper or apposite for them to deal with oral representations as are claimed to have been made by the petitioner.

In the aforesaid circumstances, the Writ Petition is disposed of according to liberty to the petitioner to make a written representation to the respondents setting out whatever claims he has for the benefits under the Act and the relevant Rules. As and when such written representation is made, the same shall be considered by the respondents or by the competent authority, to whom

such a representation is made, in accordance with Law and expeditiously.
There shall be no order as to costs.

7TH JUNE, 2005

NOTE: CC by 8-6-2005.

(B/o. SMR)

To

- 1 Assistant Commissioner of Endowments, Eluru, West Godavari District.
- 2 Executive Authority, Sri Venugopalaswamy Temple, Pedapadu Village and Mandal, west Godavari District.

3) 2 CD copies

4) 2 CCs to the Government Pleader for Endowments, High Court of A.P. Buildings, Hyderabad (OUT)

*Form-NIC-OGS/WP{**RS**}*

THE HON'BLE MR. JUSTICE GODA RAGHURAM

W.P.No.1848 of 2005

Dated: 7th June, 2005